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April 20, 2016

VIA ECF

Honorable James B. Clark, U.S.M.J.
United States District Court, District of New Jersey
Martin Luther King, Jr. Federal Building and Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: E.M. Sergeant Pulp & Chemical Co., Inc., et al. v.
The Travelers Indemnity Company, et al.
Case No.: 2:12-CV-1741 (KM) (JBC)

Dear Judge Clark:

This firm represents defendant The Travelers Indemnity Company ("Travelers") in the above-referenced matter. Jointly with plaintiff E.M. Sergeant Pulp & Chemical Company ("Sergeant"), we write at this time to provide a status report in advance of the telephonic status conference in this matter scheduled for April 28, 2016 at 10:00 a.m.

As Your Honor is aware, in December 2015 Judge McNulty granted in part and denied in part Travelers motion (a) to strike Sergeant's opposition to Travelers motion for summary judgment, (b) to exclude Sergeant's proposed expert, and (c) for sanctions pursuant to Fed. R. Civ. P. 16(f), 28 U.S.C. § 1927 and/or the Court's inherent power. In connection therewith, on December 22, 2015, Judge McNulty ordered "that discovery is reopened for the limited purpose of permitting a deposition of [Sergeant's] expert, Mr. Booth, and discovery related to any expert that Travelers may choose to offer; and that the parties shall telephone the Magistrate Judge to arrange a reasonable schedule, preferably on consent." [ECF 101].

On January 7, 2016, Your Honor approved of the proposed schedule for expert discovery submitted by the parties. Since that time, the parties have abided by that schedule. Travelers has completed the deposition of Mr. Booth and has served the rebuttal expert report of James A. Robertson. Mr. Robertson's deposition is scheduled for May 4, 2016, which will conclude expert discovery.

As Your Honor may recall, in light of the reopening of expert discovery, Judge McNulty's order also provided that Travelers motion for summary judgment was "administratively terminated without prejudice, subject to defendant Travelers' refiling or supplementing that motion after the close of fact discovery." [ECF 101]. Counsel for Travelers and Sergeant have conferred and agreed upon the following schedule for the renewal of Travelers motion for summary judgment:

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June 17, 2016 -- deadline for Travelers motion

July 15, 2016 -- deadline for Sergeant's opposition (if any)

August 12, 2016 -- deadline for Travelers reply (if any)

If this proposed schedule is acceptable to Your Honor, Travelers and Sergeant respectfully request that it be so ordered. At this time there are no other issues that the parties believe require the Court's attention.

Both parties thank Your Honor for the time and courtesies extended in this matter. We look forward to speaking with Your Honor on April 28.

Respectfully,



JOHN MALONEY

cc: Eric E. Tomaszewski, Esq. (via ECF)